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SEAGATE TECHNOLOGY LLC

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

15 IN RE SEAGATE TECHNOLOGY LLC
LITIGATION

17 CONSOLIDATED ACTION

Case No. 3:16-cv-00523-JCS

**DECLARATION OF RONALD LANE IN
SUPPORT OF ADMINISTRATIVE
MOTION TO SEAL PORTIONS OF
PLAINTIFFS' RENEWED MOTION
FOR CLASS CERTIFICATION**

[Civil L.R. 79-5(e)(1)]

1 I, Ronald Lane, declare as follows:

2 1. I am the Sr. Director of Customer Technical Support of Seagate Technology LLC
3 (“Seagate”). Unless otherwise indicated, I have personal knowledge of the facts set forth in this
4 declaration, and if called as a witness, could and would competently testify as to their truth.

5 2. I submit this declaration in support of Seagate’s Motion for an Order Sealing
6 Certain Portions of Plaintiffs’ Renewed Motion for Class Certification under Civil L.R. 79-5(e)(1).

7 3. It is my understanding the Plaintiffs filed the Declaration of Shana E. Scarlett
8 (Scarlett Decl.) in support of their Motion for Class Certification, ECF No. 189-5, which attaches
9 66 exhibits, many of which were designated as either “CONFIDENTIAL” or “HIGHLY
10 CONFIDENTIAL” under the Stipulated Protective Order in this case.

11 4. Due to the confidential nature of the information in certain of these documents,
12 Seagate seeks an order sealing these documents from the public record as set forth in the chart
13 below. As will be explained *infra*, these documents contain trade secret information, from which
14 Seagate derives independent economic value because the information in these documents is not
15 generally known to the public. Because of the sensitive nature of these documents, Seagate takes
16 great efforts to protect their secrecy. Indeed, Seagate only produced these documents in this
17 litigation subject to the Stipulated Protective Order, and has marked these documents as
18 “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.” Further, Seagate has a compelling reason
19 for desiring this sensitive business information not to be released to its competitors or the public:
20 namely, because there is a risk of competitive harm should this information be generally known.

Document Filed Under Seal by Plaintiffs	Portion(s) Sought To Be Sealed
Declaration of Shana Scarlett in Support of Plaintiffs' Motion for Class Certification	<p>Exhibit 14</p> <ul style="list-style-type: none"> The customer's personal information (e.g. name, email, phone number) <p>Exhibit 25</p> <p>Exhibit 26 - entirety</p> <p>Exhibit 28</p> <ul style="list-style-type: none"> The emails of John M. Paulsen in the string <p>Exhibit 34 - entirety</p> <p>Exhibit 35 - entirety</p> <p>Exhibit 40 - entirety</p> <p>Exhibit 41 - entirety</p> <p>Exhibit 42 - entirety</p> <p>Exhibit 43 - entirety</p> <p>Exhibit 44</p> <ul style="list-style-type: none"> The tables in the June 19, 2015, 3:19 pm email, listing "Customers" and "Executive Summary." <p>Exhibit 46</p> <ul style="list-style-type: none"> first sub-bullet point under the "Desktop -96%" heading on FED_SEAG0024746, the bottom two boxes under the first column of the table on FED_SEAG0024749 the entire table on FED_SEAG0024751, the entire page of FED_SEAG0024763. <p>Exhibit 50 - entirety</p> <p>With the exception of the exhibits identified above, Seagate does not seek to maintain the remaining Scarlett Decl. Exhibits under seal.</p>
Plaintiffs' Renewed Motion for Class Certification	<p>7:11-12, 15-17 10:19-22</p> <p>With the exception of the portions identified above, Seagate does not seek to maintain the remaining designated material under seal.</p>

I. Exhibits to the Declaration of Shana E. Scarlett Should Be Sealed

5. The exhibits to the Declaration of Shana E. Scarlett that Seagate seeks to seal include (1) information that is treated as confidential by Seagate and would be of value to Seagate's competitors if it were to be disclosed, which would cause Seagate financial and competitive harm, and (2) personal information of Seagate's customers, which Seagate has a legal

1 obligation to protect. Several of these exhibits detail Seagate's business strategies, from which
2 Seagate derives value based on the fact that this information is not generally known to the public.

3 6. For example, Exhibit 14 is a customer call log, which lists personal information of
4 Seagate's customers, such as name, phone number, and email address. That confidential data
5 should be sealed.

6 7. Exhibit 25 is a manual assembled by Seagate which lays out proposed reliability
7 testing procedures tailored to its Thailand factory's productions. These reveal the costs of those
8 procedures and engineering strategy. Those portions that reference these testing procedures, as
9 opposed to mere testing results, thus should be sealed.

10 8. Exhibit 26 is an internal Seagate presentation listing in detail specific technical
11 actions proposed by Seagate engineers to modify and/or fix Seagate drives. Public release of this
12 information would harm Seagate by permitting Seagate's competitors, or others seeking to
13 perpetrate fraud on Seagate, to understand Seagate's product development process. Therefore,
14 Seagate seeks to seal this document in its entirety.

15 9. Exhibits 28 and 50 are internal email strings discussing how to respond to the
16 Backblaze blog posts. These discussions reveal Seagate's strategy on how to respond to various
17 PR issues and could be used against Seagate by its competitors. Therefore, Seagate specifically
18 seeks to seal a portion of Exhibit 28 and the entire email string of Exhibit 50.

19 10. Exhibits 34-35 are internal Seagate presentations by Seagate's Grenada Core Team
20 seeking approval of a drive release, including internal testing results, strategy considerations, and
21 engineering decisions on how the drives were modified to reach this approval stage. Seagate's
22 procedure for conducting such analyses have been defined through iteration over time, is
23 confidential and proprietary, and could be copied by Seagate's competitors if released to the
24 public. Seagate thus seeks to seal these documents in their entirety.

25 11. Exhibits 40-41 are documents analyzing the failures of one of Seagate's corporate
26 customers. Such information reflects the manner in which Seagate tests its drives as well as
27 communications with corporate customers. The documents also reveal Seagate's internal strategy
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1 on how to respond to corporate customers' concerns, including strategy regarding the customer
2 relationship. Seagate thus requests that the Court seal these two documents in their entirety.

3 12. Exhibit 42 is an email chain between Seagate employees discussing how to respond
4 to certain OEMs' request for replacement drives and what data Seagate provides to OEMs.
5 Seagate thus requests that the Court seal this document in its entirety.

6 13. Exhibit 43 is a Decision Brief assembled by Seagate detailing the results of its
7 testing and analysis of an OEM customer's hard drives. Seagate has executed an NDA with this
8 OEM that requires Seagate to protect the OEM's information. In this report, Seagate details the
9 analyses it ran, suggests a design change to resolve issues seen with the hard drives in this
10 particular OEM's environment, and summarizes its communications with its customer. Seagate
11 asks that the Court seal this document in its entirety.

12 14. Exhibit 44 is an email string, which contains a Consumer Technical Support
13 Weekly Status Report that tracks the status of Seagate's OEM and corporate customer
14 relationships, and any issues Seagate is responding to with such companies. Seagate uses this
15 report to develop its business and product strategies, including deciding whether to conduct
16 product testing and/or implementing design changes to respond to concerns. Further, as discussed
17 above, Seagate enters into NDAs with its OEMs and business customers. Release of the
18 information in this report could be used by Seagate's competitors to undermine its relationship
19 with OEMs and corporate customers, which would result in financial harm to Seagate. Therefore,
20 Seagate requests that the Court seal those confidential portions.

21 15. Exhibit 46 is a Customer Advocacy report assembled by Seagate that details
22 Seagate's global strategic priorities regarding its reliability and quality control initiatives, and
23 analyzes Seagate's progress on certain initiatives. It also includes information about Seagate's
24 product development for OEM and corporate customers. As discussed above, if this information
25 were to be released, it could be used by Seagate's competitors to influence Seagate's relationships
26 with its corporate customers, which would result in severe financial harm to Seagate. Therefore,
27 Seagate request that the Court seal those confidential portions.

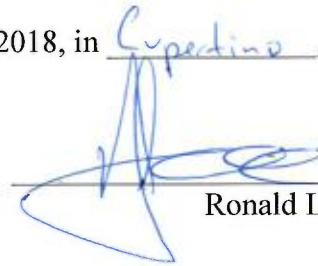
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1 **II. The Portions of Plaintiffs' Renewed Motion for Class Certification That Cite the**
2 **Confidential Information in the Scarlett Declaration Should Be Sealed**

3 16. The portions of Plaintiffs' Renewed Motion for Class Certification that reference
4 the confidential information in the exhibits to the Scarlett Declaration, reflected in the table at
5 Paragraph 4, *supra*, should be sealed for the same reasons set forth above.

6 I declare under penalty of perjury under the laws of the United States that the foregoing is
7 true and correct.

8 Executed on this 17 th day of October, 2018, in Cupertino, CA.

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Ronald Lane